

# EXHIBIT E

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ROBERT G. WINGO, )  
 )  
 PLAINTIFF, )  
 )  
 VS. ) No. CV 0 0368  
 )  
 THYSSENKRUPP MATERIALS NA, INC. )  
 )  
 D/B/A COOPER AND BRASS )  
 )  
 SALES, INC. )  
 )  
 DEFENDANTS, )

This is the discovery deposition of MARIO ALVAREZ, taken in the above-entitled cause before GWENDOLYN BEDFORD, a Notary Public and Certified Shorthand Reporter within and for the County of Cook, State of Illinois, taken at the offices of VICTORIA COURT REPORTING SERVICES, INC., 29 South LaSalle Street, Suite 200, Chicago, Illinois, held on the 12th day of June, 2008 at the hour of 10 o'clock a.m. pursuant to notice.

1 Q And is your residence on Red Cedar Drive a  
2 home?

3 A Yes, it is.

4 Q Do you have any present intention on  
5 relocating from your current home address in the next  
6 year?

7 A We are talking about it, maybe next year,  
8 maybe, it is not for sure.

9 Q Do you know where you will be locating to  
10 next year?

11 A We're looking at Lake in the Hills, but it is  
12 nothing for sure. We are just talking. It is not for  
13 sure that we're moving.

14 Q Mr. Alvarez, what is your date of birth?

15 A 10/27/60.

16 Q And what is your current age?

17 A Forty-seven. I'm going to be 48 in October.

18 Q Do you have a current home telephone number?

19 A Yes, I do.

20 Q What is that?

21 A 630-830-9102.

22 Q What is your Social Security number, sir?

23 A

24 Q Are you employed right now?

1 overseas. That is pretty much what I'm doing now.

2 Q Are you working full-time for Borg Warner?

3 A Yes, ma'am.

4 Q Where were you employed before Borg Warner?

5 A Copper and Brass.

6 Q Are you a member of the Union in your current  
7 job with Borg Warner?

8 A No, there is no union there, which I don't  
9 want. No.

10 Q When were you employed with Copper and Brass  
11 Sales?

12 A I started January 28, 2001.

13 Q And what was your position with Copper and  
14 Brass Sales?

15 A Six or seven years I worked there they moved  
16 me everywhere. The last one was RBW, non-process.  
17 That was my last position that I left -- when I left.

18 Q While you were employed with Copper and Brass  
19 Sales, were you a member of a union?

20 A Yes, I was.

21 Q And what union did you belong to while you  
22 were employed by Copper and Brass Sales?

23 A Teamsters 714.

24 Q Do you know when you were employed with

1 Copper and Brass Sales, whether your classification was  
2 "warehouseman"?

3 A Yes. That is what it was, warehouseman.

4 Q When you last worked at Copper and Brass  
5 Sales as a warehouseman in RBW non-processed, who did  
6 you report to?

7 A Very last time that I worked there, Mark  
8 DeMien.

9 Q When you last worked at Copper and Brass  
10 Sales in RBW processed sales, what shift were you on?

11 A That was the first shift.

12 Q And how long were you on the first shift in  
13 the RBW non-processed position?

14 A Three weeks, maybe two. I don't know,  
15 between two and three weeks, because I just came back  
16 from the second shift. So I wasn't second shift, two  
17 weeks, two or three weeks. I don't know. Around in  
18 that area.

19 Q For how long did you work on the second shift  
20 at Copper and Brass?

21 A Three and a half years.

22 Q And when you worked on the second shift at  
23 Copper and Brass Sales, what was the last position that  
24 you had?

1 A RBW non-process, the same.

2 Q When you were on the second shift at Copper  
3 and Brass Sales handling RBW non-process, who was the  
4 last supervisor you reported to?

5 A Chris Ignacio.

6 Q And when you worked on the second shift in  
7 RBW non-processed, what hours did you usually work?

8 A Started at 2:30. My regular hours from 2:30  
9 to 1 o'clock at night. And usually they call you for  
10 overtime. So I used to come in early.

11 Q What are the tasks that you performed when  
12 you were doing the RBW non-processed work at Copper and  
13 Brass Sales last?

14 A We had the work orders. They were staging it  
15 in the racks with bundles and boxes and we used to get  
16 the forklift and put them in a station because there  
17 was two stations, Number 6 and Number 7. What you do  
18 is lay them down on the floor like five, six, seven  
19 orders at the same time on the floor and put one on the  
20 horse, which is -- they call it a "horse", and you read  
21 the work order and see how many the customers want, how  
22 many pounds or how many pieces. And you go from there.  
23 You just continue and pack it up and print the label  
24 and send it back to -- we call it Bay 1. the area. So

1 we stage it up there. Very much that was every single  
2 day the same thing.

3 Q Was there someone else that worked with you  
4 in RBW non-processed when you last worked that position  
5 on the second shift at Copper and Brass Sales?

6 A There was Arturo and I think the last name is  
7 Pacheco, I think. Isidro Garcia, myself and there was  
8 Demos was the side loader which is the one that brings  
9 all the work. Just about three people working in that  
10 station when I worked the second shift, Arturo, Isidro  
11 and myself.

12 Q When you were working in the RBW  
13 non-processed area on the second shift, what was it  
14 that the side loader brought?

15 A The bundles and the material that we need to  
16 ship to the customers.

17 Q When did your employment end with Copper and  
18 Brass Sales?

19 A January 28th of 2008, this year.

20 Q And you said that you changed from the second  
21 shift to the first shift and only worked there two or  
22 three; is that right?

23 A That is correct, ma'am.

24 Q And you only worked two or three weeks on the

1 speculation. Assumes facts not in evidence.

2 THE WITNESS: No, it is not. I will tell you  
3 why it is not.

4 BY MR. DISBROW:

5 Q Did he complete Order 467112 at two something  
6 on the afternoon of November 29, 2007. It is a "yes"  
7 or "no" question.

8 A No.

9 Q He did not.

10 Did you have any management  
11 responsibilities while you worked at Copper and Brass?

12 A No, sir.

13 Q You didn't supervise anybody?

14 A No, sir.

15 Q Did you have access to Mr. Wingo's personnel  
16 file?

17 A No, sir.

18 Q Do you know how many times Mr. Wingo was  
19 written up or disciplined?

20 A No.

21 Q Do you have any way to compare that to any  
22 other individual that worked at Copper & Brass?

23 A No.

24 Q Had you met Jan prior to today?



1 A That's correct, sir.

2 Q Isn't it true that the move to second shift  
3 was management's attempt to work with you, to resolve  
4 the issue you were having, you had with the supervisor  
5 on first shift?

6 A No, that wasn't it. There was no issue  
7 there.

8 Q I think you testified there was an issue. We  
9 can move on. The record speaks for itself.

10 A The issue was --

11 Q If you filed a grievance, there was an issue?

12 A Yes, there was an issue.

13 Q There was some testimony about side loaders  
14 bringing the wrong material. Isn't it a fact that as  
15 the packaging, the employee packaging material at RBW  
16 non-process, it was your responsibility make sure that  
17 what was packaged was consistent with the material that  
18 was requested on the work order, correct?

19 A Yes, sir, it is.

20 Q So I know you testified that everybody makes  
21 mistakes, correct?

22 A Yes.

23 Q But that's a mistake. If you don't catch it,  
24 that is a mistake. Let me ask a better question. I

1 don't think that is clear enough. Strike that.

2                   So it is a mistake, even though you are  
3 brought wrong material by the side loaders, that you  
4 don't verify before you package the material that you  
5 have the correct material. That's a mistake?

6       A       Yeah, we need to verify it.

7       Q       Did you ever sit on one of Wingo's meetings  
8 with management concerning the discipline that you  
9 received?

10      A       No, sir.

11      Q       You don't have any firsthand knowledge about  
12 the discipline that Mr. Wingo received; do you?

13      A       No.

14      Q       That is all secondhand information, correct?

15      A       Yeah. But we --

16      Q       You answered the question.

17                   Mr. LaRocco is not a management  
18 employee; is he?

19      A       He is not.

20      Q       He is an hourly union guy; isn't he?

21      A       Yeah, he is.

22      Q       Sitting here today, do you know the training  
23 that Mr. Wingo received concerning completing work  
24 orders? Strike the question.

1 they did.

2 BY MR. DISBROW:

3 Q Do you have any knowledge, sitting here  
4 today, whether or not Isidro Garcia filled this  
5 particular work order?

6 A You know what, no.

7 Q Let's look at another document.

8 A This is nothing to me.

9 Q Let's look at Document 114, 00114. Got it?

10 A 00114. I'm sorry. So it is 14?

11 Q Yeah. Have you ever seen this document  
12 before?

13 A Yes, this is my initials.

14 Q In the "fill by" column, your initials?

15 A Yes.

16 Q You also packed this order?

17 A Yes.

18 Q And are those your initials in the audit  
19 column as well?

20 A Yeah.

21 Q This is Work Order 466883; is that correct?

22 A Yes, that is correct.

23 Q Do you recall if you, in fact, filled this  
24 order?

1 A Yes, I filled it.

2 Q No one else would have filled that order?

3 A No, because I finished it. Whoever started  
4 it, just leave it there and not finish it. I finished  
5 the paperwork.

6 Q Go one page up.

7 A Fifteen.

8 Q Thirteen. You see this is the packing list  
9 for the same order. Do you see that?

10 A Yes.

11 Q And it has your initials in the "filled by"  
12 box, correct?

13 A That's correct.

14 Q Now, did you put those initials into the  
15 computer, is that how that works?

16 A Uh-huh.

17 Q And is that how you -- is that when you fill  
18 in your complete time is when you finalize this  
19 particular document?

20 A No. When -- practically, yeah.

21 Q What is the last step in the process? Maybe  
22 that's the best way to answer the question.

23 A The last step.

24 Q Let me ask a better question. In a

1 A Only this afternoon.

2 Q And she made copies of them?

3 A Yes.

4 Q In her office?

5 A Yes.

6 Q Did you ever tell Mark DeMien that you  
7 thought writing down a completion time when it wasn't  
8 actually a completion time was okay?

9 A No, I don't think nobody does that.

10 Q Did you ever tell Randy Lunt that you thought  
11 writing down a completion time on your work order when  
12 you actually didn't complete the order to be no big  
13 deal?

14 A Excuse me. The reason you write it down is  
15 because --

16 Q Back to the question. Stick with my  
17 question. Did you ever tell Randy Lunt --

18 A No, I did not.

19 Q Did you ever ask them what their feeling was  
20 with regard to putting a completion time down in the  
21 stop time column -- did you ever ask Randy Lunt what  
22 his feeling was about it?

23 MS. WEGNER: Object on the basis of  
24 foundation. Calls for speculation.